

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-55221

CHARLES A. GRACE,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER STRIKING DOCUMENTS FILED AT DOCKET ## 12, 13, 14, 15, AND 16;
REMOVING NANCY A. GRACE AS A JOINT DEBTOR IN THIS BANKRUPTCY
CASE; AND REQUIRING DEBTOR'S ATTORNEY TO SERVE A COPY OF THIS
ORDER ON ALL CREDITORS**

On May 14, 2009, Debtor Charles A. Grace filed a voluntary petition for relief under Chapter 7, initiating this case. On June 11, 2009, Debtor's attorney filed multiple documents, all for the apparent purpose of adding the Debtor's spouse, Nancy A. Grace, as a joint debtor in this bankruptcy case. These documents include an amended voluntary petition for relief under Chapter 7 for Debtor Charles A. Grace and for Nancy A. Grace, Schedules A-D and Schedule I, Summary of Schedules, and a Statement of Financial Affairs (Docket # 12); Statement of Social Security Number of Nancy A. Grace (Docket # 13); an Amended Bankruptcy Petition Cover Sheet for Nancy A. Grace (Docket # 14); a Certificate of Counseling for Nancy A. Grace (Docket # 15); and a Certificate of Service (Docket # 16).

The method chosen by the Debtor Charles A. Grace to try to add his spouse as a joint debtor in this case is ineffective. Fed.R.Bankr.P. 1009(a) permits a bankruptcy debtor to amend his voluntary petition "as a matter of course at any time before a case is closed." But that rule does not permit such a bankruptcy debtor to add another debtor to the case by amending the petition, or otherwise. Nor does any other provision of the Bankruptcy Code or the bankruptcy rules permit this.

No act of *amending his petition* by Charles Grace can add *another person* as a debtor to the case. Rather, only the signing and filing of a voluntary bankruptcy petition *by Charles Grace's spouse, Nancy Grace*, can commence a voluntary bankruptcy case by her. *See generally* 11 U.S.C. §§ 301, 302. (The only other way to make Nancy Grace a bankruptcy debtor would be to file an involuntary petition against her, under 11 U.S.C. § 303, which is not what was attempted here.) Because the signing and filing of a voluntary bankruptcy petition by and for Nancy Grace is an act that can be done only *by Nancy Grace, and not by Charles Grace*, there is nothing *Charles Grace* can do by amending his petition to add Nancy Grace as a debtor to this case. And only Charles Grace may amend the voluntary petition filed in this case on May 14, 2009, because he was the only named debtor in that petition, and is the only debtor in this bankruptcy case.

If she wants to be a debtor in bankruptcy, Nancy Grace must file her own voluntary bankruptcy petition, thereby initiating a separate case. If the spouses then want their two cases to be jointly administered, they can each file a motion seeking such relief, under Fed.R.Bankr.P. 1015(b)(1).

Other courts have held that the type of procedure attempted here is not a proper way to add a new debtor to an existing bankruptcy case. *See generally In re Buerman*, 295 B.R. 876 (Bankr. W.D. Ark. 2003) and cases cited therein.

Accordingly,

IT IS ORDERED that the documents filed at Docket ## 12, 13, 14, 15 and 16 are STRICKEN.

IT IS FURTHER ORDERED that Debtor Nancy A. Grace be removed from the docket of

this case as a debtor.

IT IS FURTHER ORDERED that no later than June 19, 2009, Debtor's attorney must serve a copy of this Order on all creditors on the matrix, and file proof of such service.

Signed on June 16, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge